

Message

From: Jennifer Talbert [Jennifer.Talbert@coag.gov]
Sent: 2/5/2019 11:11:21 PM
To: Chalfant, Mark [Chalfant.Mark@epa.gov]
Subject: OU1 VB I-70 delisting and HSRF MTD response
Attachments: 2019-01-09 Response in Opposition to Motion to Dismiss.pdf

Here is the email chain between Chuck Norris and the AG office re OU1 delisting. I have attached the CCOD Response to the MTD is well without the exhibits (of you would like these as well, please let me know). Thanks for all of your assistance, it is greatly appreciated.

Jennifer Talbert
Senior Assistant Attorney General
Natural Resources and Environment Section
720-508-6257

Please update your records for Jennifer Robbins to Jennifer Talbert, Jennifer.talbert@coag.gov.

-----Original Message-----
From: Charles Norris
Sent: Monday, February 4, 2019 4:26 PM
To: Amy Beatie <Amy.Beatie@coag.gov>
Subject: Re: FW: I Will Defend The ACA

Ex. 6 Personal Privacy (PP)

Amy,
Thank you for your response. Give the timing of my email to Phil, I really wasn't counting on an answer with one attempt. Thank you, also, for familiarizing yourself with position of your client (CDPHE) regarding the VB/I-70 OU1 delisting of OU1.

Since my email in December, I know the CAG reached out to CDPHE, asking it to rescind its concurrence with USEPA's proposal to delist. I did get a copy of the CDPHE reply to the CAG and it reads similar to the email you sent me.

I do want to emphasize that I am not a member of the CAG. I do volunteer to help them with issues related to geology, ground/surface water, and water/rock chemistry and reactions. I do not, however, speak for the CAG, nor do I necessary concur with all CAG opinions.

As a thumbnail bio, I've practiced in geology and hydrogeology for over 40 years across a broad ranges of applications; from fossil-carbon extraction to academic/industrial groundwater/geochemical modeling to environmental hydrogeology (ground and surface water), including substantial litigation as an expert in state and federal cases. The environmental work includes substantial Superfund work. I am now (largely) retired from paid professional work.

With respect to the opinions of your client, CDPHE errs. The implemented remedies do, I agree, meet the Remedial Action Objectives of the ROD. However, the ROD is fatally flawed by the inadequacies of the Remedial Investigation and Risk Assessments. As a result, the implemented remedy neither adequately protects the citizens of the Environmental Justice neighborhoods nor does it demonstrate the ability to "protect the remedy." These, of course, are just my opinions of the data and the documents in the record. (Although, I would look forward to proffering them in an appropriate tribunal.)

Based upon my career experience, the best resolutions of disputes are reached prior to adjudications. Once the proposal to delist is filed, dispute resolution becomes pretty mechanical. Prior to filing, there is more flexibility. That's why I agreed, for the CAG, to try to loop in the AG's office. In December, in the midst of the transition, I considered that a long shot, based on the USEPA proposed schedule. Now, due to the shut-down, there is still a window to see if something can be done prior to USEPA's perceived urgency to file.

If you'd like to discuss this further, I am certainly willing to meet.
In any case, once a filing is made, I'm sure the issues will be formally discussed in detail.

I can't help but observe that the Water Trust's loss is Colorado's gain.
I'm glad to see you on the AG's core staff. Thank you.

Best, Chuck

On 2/4/2019 2:07 PM, Amy Beatie wrote:
> Dear Mr. Norris:

>

> My name is Amy Beatie and I am the Deputy Attorney General for Natural

> Resources and the Environment on Attorney General Phil Weiser's team
> here at the AGO. I apologize for the delay in responding to your
> inquiry. Your inquiry arrived during the transition and then took a
> bit of time to make its way into my hands and then I was getting up to
> speed here.
>
> I have conferred with my team here on the issue of EPA's decision to
> delist the VB/I-70 Operable Unit 1 (OU1), and the concurrence of our
> client, the Colorado Department of Public Health and Environment
> (CDPHE), on the same. I believe that members of the CAG were informed
> that it is CDPHE's opinion that the record of decision adequately
> identifies the Remedial Action Objectives and the remediation
> activities conducted by the EPA and their contractors have met the
> Remedial Action Objectives goals for VB/I-70 OU1. Please let me know
> if you have any questions about this matter, and thank you for your
> participation in the CAG.
>
> Best,
>
> Amy
>

----- Forwarded -----
From: Charles Norris **Ex. 6 Personal Privacy (PP)**
Date: Mon, Dec 17, 2018 at 1:16 PM
Subject: Re: I Will Defend The ACA
To: Phil <info@philforcolorado.com>

This is off-topic to the ACA, but it is the only email I have for Phil.

First, Phil, congratulations on your election. Pursuant to your request of me for recommendations on how to hone your presentation to potential voters, you clearly found the way. Well done.

Second, I am volunteering as a technical advisor (geology and groundwater) to the Community Advisory Group to USEPA for the Vasquez Boulevard/I-70 Superfund site. The CAG would like to put you into the loop regarding EPA intent to partially de-list the site and I wondered the best way for them to contact you and your transition team.

Thanks in advance for any info you can provide.

--
Chuck

Charles H. Norris

Ex. 6 Personal Privacy (PP)

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Chuck

Charles H. Norris

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